

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:00-CR-161
JUDGE SMITH
MAGISTRATE JUDGE DEAVERS**

CHARLES M. CASSELL, III,

Defendant.

ORDER

On August 20, 2015, the court *sua sponte* ordered Defendant to undergo a psychiatric examination and designated Netcare Forensic Psychiatric Center to conduct the evaluation.

After receiving the report the Magistrate Judge held a hearing on October 7, 2015. Defendant, his counsel, and counsel for the United States appeared and participated in the hearing.

On October 7, 2015, the Magistrate Judge issued a Report and Recommendation recommending that pursuant to 18 U.S.C. 21 § 4242(d)(1), Defendant be committed to the custody of the Attorney General, for a period not to exceed four (4) months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward. It is further recommended that the examiners make an initial determination of Defendant's medical competence to consent or object to the forced use of psychotropic medication. The examiners shall submit a timely report to the Court indicating their determinations with respect to defendant's medical competence to consent or reject to the forced use of psychotropic medication and then the examiners' prognosis as to

whether there is a substantial probability that Defendant may be restored to competency within the foreseeable future.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation.

On October 7, 2015, and October 9, 2015, (ECF 32 and 33) counsel for the United States and counsel for Defendant filed notices to the Court that neither party has any objection to the Report and Recommendation.

Accordingly, the Court **ADOPTS** the Report and Recommendation and hereby **ORDERS** that the Defendant be committed to the custody of the Attorney General for enforcement of this Order forthwith.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT